

### REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed November 29, 2006. At the time of the Final Office Action, Claims 1, 17-21, 26, and 29-53 were pending in this Application. Claims 1, 17-21, 26, and 29-53 were rejected. Claims 2-16, 22-25, 27, and 28 were previously canceled due to an election/restriction requirement.

#### **Rejections under 35 U.S.C. §103**

Claims 1, 19, 21, 26, and 29-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 4,330,237 issued to Husam Battah ("Battah"), in view of U.S. Patent 4,496,286 issued to James J. Gagnon ("Gagnon"), and further in view of U.S. Patent 1,616,991 issued to Snowden B. Redfield ("Redfield"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 17, 18, and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Battah in view of Gagnon, in view of Redfield, and further in view of U.S. Patent 5,997,259 issued to Brian P. Marshall et al. ("Marshall"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Method Claims 33-53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Battah in view of Gagnon, in view of Redfield, and further of Marshall because the prior art apparatus performs the method steps as claimed. Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 1, 31, and 32 (the independent claims) have been amended to recite a feature of the invention not taught or suggested in any of the cited references. Specifically, these claims have been amended to recite that the calculation of the engine control value is based on whether of not the compressor cylinders have equal loads. As discussed at length in paragraphs [0034]

and [0035], the invention is based on the recognition that uneven cylinder loads have a significant effect on engine performance. Therefore, if the cylinder loads are not equal, the engine control should be compensated accordingly.

This feature of the invention is not taught or suggested by the cited references. In fact, none of the cited references teaches or suggests that engine control should be responsive to whether the compressor cylinders have balanced loads. To the contrary, Battah teaches that compressor loading is the controlled parameter, not the parameter to which the control is responsive (col. 8, lines 47-48). Furthermore, Battah, does not teach or suggest determining whether the cylinder loads are balanced.

**CONCLUSION**

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of all pending claims as amended.

Applicants enclose a Request for Continued Examination (RCE) and authorize the Commissioner to charge the \$395.00 RCE fee to Deposit Account No. 50-2148 of Baker Botts L.L.P. Applicants also enclose a Petition for Two Month Extension of Time and authorize the Commissioner to charge the \$225.00 fee to Deposit Account No. 50-2148 of Baker Botts L.L.P. Applicants believe there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2634.

Respectfully submitted,  
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Date: April 30, 2007

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Attachment: Request for Continued Examination  
Petition for Extension of Time